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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,150	08/10/2001	Thiam Wah Loh	70003175-1	3987

7590

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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TRUJILLO, JAMES K

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/927,150

Applicant(s)

LOH ET AL.

Examiner

James K. Trujillo

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The office acknowledges the receipt of the following and placed of record in the file:  
Amendment Submitted/Entered with Filing of CPA/RCE dated 5/26/2005.
2. Claims 1-8 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wisecup, U.S. Patent 6,167,532.
5. Regarding claim 1, Wisecup teaches a method for executing an agent code in a computer device (a computer system 100, figure 1) wherein the agent code is saved in a read only memory (non-modifiable boot block 200, col. 1, lines 4-15, figure 2), wherein an agent record (Flash images, figure) containing data is saved in an erasable and programmable memory device (Flash images 202 and 204, figure 2 and col. 1, lines 4-15) and wherein the method comprises:
  - a. initializing a plurality of registers (inherent when initializing memory and initializing system components, col. 1, line 66 through col. 2, line 3);

Art Unit: 2116

- b. reading the agent code (BIOS Post routine) from the read only memory and loading it (inherent in order for the agent code to be executed) into a processing device (Host CPU 102), wherein the computer device includes the read only memory (non-modifiable Boot Block 200, col. 2, lines 9-12), the erasable and programmable memory device (reprogrammable part of ROM, Flash Image A and Flash Image B, col. 2 lines 9-28) and the processing device;
  - c. in the computer device, executing the agent code (non-modifiable Boot Block 200) wherein the agent code includes an agent record identification code (determines which Flash image from which to execute the remainder of the system start-up, col. 3, lines 7-11 and col. 3, lines 31-34), which includes a register identification code (inherent as part of the agent code in order for the agent code to be executed by the processor), thereby initiating reading the agent record with a matching agent record identification code (selecting which Flash image to execute, col. 3, lines 31-34) from the erasable programmable memory device and loading it into the register of the processing device that is identified by the register identification code of the read agent record (inherent in order for execution of the code to take place, specifically the processor must know where to place the agent record within the processor); and
  - d. executing the agent record in the processing device (selecting and loading one of the Flash images to continue start-up operations, col. 3, lines 1-11).
6. Regarding claim 2, Wisecup taught the method according to claim 1, as described above. Wisecup further teaches wherein executing the agent record containing instructions and data (start-up operations continue from the selected Flash image, col. 3 lines 1-4) is performed by

Art Unit: 2116

adding the data of the agent record to a specified register of the processing device according to the instructions of the agent record (it is inherent that during start-up operations the data of the agent record must be added to a specified register of the processing device in order for the data to be processed).

7. Regarding claim 3, Wisecup taught the method according to claim 1, as described above. Wisecup further teaches wherein the processing device is realized by a central processing unit (Host CPU 102, figure 1) part of the computer device, wherein the agent code is realized by an operating system (transferring control to the operating system, col. 3, lines 8-11) for the computer device, wherein the agent record contains instructions and data (instructions loaded into the RAM from the selected FLASH image, col. 3, lines 8-11), and wherein executing both, the agent code and the agent record, is realized by a boot-up process (bootstrapping of the operating system, col. 3, lines 7-8) of the computer system.

8. Regarding claim 4, Wisecup taught the method according to claim 3, as described above. Wisecup further teaches wherein the data of the agent record correct at least one sequence in a specified register of the computer device according to the instructions of the agent record (wherein a correct sequence is used in using an alternative FLASH ROM image for a recovery operation if an image is corrupt or non-functional, col. 2, lines 18-26 and col. 3 lines 40-43).

9. Regarding claim 5, Wisecup taught the method according to claim 4, as described above. Wisecup further teaches wherein the data of the agent record add at least one sequence to a specified register of the computer device according to the instructions of the agent record (wherein different versions or an up-graded image add at least one sequence to a specified register of the computer device over a previous version, col. 2 lines 18-26).

Art Unit: 2116

10. Regarding claim 6, Wiscup teaches a boot-up process for booting up a processing device of a computer device (bootstrapping the operating system, col. 3, lines 7-11), said computer device including a read only memory (non-modifiable boot block 200, col. 2, lines 9-10) and an erasable and programmable memory device (Flash Images 202 and 204, col. 2, lines 11-20), wherein an agent code is saved in the read only memory (operational parameters and BIOS post of boot block 200, col. 2, line 66 through col. 3, line 4), wherein the agent code contains a first agent record identification code (image flag 402 used to select a Flash image, col. 3, line 5-10, col. 3, lines 31-33, col. 3 lines 39-40), wherein a plurality of agent records each containing a second agent record identification code (inherently used to select the Flash image), a register identification code and data is saved in the erasable and programmable memory device (inherent as part of the agent code in order for the agent code to be executed by the processor), and wherein the boot-up process comprises the following steps:

- a. initializing a plurality of registers in the processing device (inherent when initializing memory and initializing system components, col. 1, line 66 through col. 2, line 3);
- b. in the computer device reading and executing the agent code (non-modifiable Boot Block 200), thereby reading the plurality of agent records and checking as to whether a match between a second agent record identification code and the first agent record identification code exists (selecting which Flash image to execute, col. 3, lines 7-11 and col. 3, lines 31-34); and
- c. for the case that a match is found to exist, assigning the data of the matching agent record to a specified register according to the register identification code of the matching agent record (wherein loading the selected Flash image into the system RAM is

Art Unit: 2116

interpreted to be assigning the data of the matching agent record because of the inherent nature of loading and executing code in a processor, col. 3, lines 7-11).

11. Regarding claims 7-8, Wisecup taught the claimed method for executing agent code and the claimed boot-up process as set forth hereinabove, therefore he also teaches the claimed electronic device.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,446,203 to Aguilar et al. This reference teaches a system and method for selecting between boot code images.

U.S. Pat. No. 6,205,548 to Hasbun. This reference teaches a system of selecting boot blocks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James K. Trujillo whose telephone number is (571) 272-3677. The examiner can normally be reached on M-F (7:30 am - 5:00 pm) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "James K. Trujillo", with the date "6/15/05" written below it.

James K. Trujillo  
Patent Examiner  
Technology Center 2100